

EXHIBIT C

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANTHONY PETRU and MARCUS
MATHIS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

APPLE, INC., HACHETTE BOOK
GROUP, INC., HARPERCOLLINS
PUBLISHERS, INC., MACMILLAN
PUBLISHERS, INC., PENGUIN GROUP
(USA), INC., and SIMON & SHUSTER,
INC.,

Defendants.

No. 3:11-CV-03892-EMC

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

No. 3:11-CV-05019-JCS

CHAD MILLER and GRACE HOKE,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

HACHETTE BOOK GROUP, INC.,
HARPER COLLINS PUBLISHERS,
INC., MACMILLAN PUBLISHERS,
INC., PENGUIN GROUP (USA)
INC., SIMON & SCHUSTER, INC., and
APPLE, INC.

Defendants.

Pursuant to Civil Local Rule 3-12, Plaintiffs Chad Miller and Grace Hoke submit this administrative motion to consider whether the instant case, *Miller v. Hachette Book Group, Inc., et. al.* (filed Oct. 11, 2011), should be related to another case pending in this District, *Petru v. Apple Inc., et al.*, Case No. 3:11-cv-03892-EMC (“*Petru*”) (filed Aug. 9, 2011).

The *Miller* action involves the same Defendants as the *Petru* action and concerns similar factual allegations; namely, a conspiracy by Defendants to fix, raise, maintain, and stabilize the price at which electronic books (or “eBooks”) were sold in the United States.

Pending actions may be related if they “concern substantially the same parties, property, transaction or event” and “there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.” Civ. L.R. 3-12(a).

These criteria are satisfied here. *Miller* and *Petru* involve the same parties, arise out of common facts, and raise many of the same legal issues, thus, there will be substantial overlap between them with respect to documents, witnesses and legal issues. Accordingly, relating *Miller* to *Petru* will conserve judicial resources and promote efficient determination of the actions, while avoiding potentially conflicting results. Moreover, because both actions are in the preliminary stages of litigation, reassignment would not prejudice any of the parties.¹

¹ For the same reasons, the *Miller* action may also be related to the following cases pending in the Northern District of California: *Diamond v. Apple, Inc.*, No. 3:11-cv-03954-EMC; *Gilstrap v. Apple, Inc.*, No. 3:11-cv-04035-EMC; *Albeck v. Apple, Inc.*, No. 3:11-cv-04110-EMC; *Rossman v. Apple, Inc.*, No. 3:11-cv-04192-MEJ; *Key v. Apple, Inc.*, No. 3:11-cv-04754-EMC; *Ulbee v. Apple, Inc.*, No. 3:11-cv-04490; *Ruane-Gonzalas v. Apple, Inc.*, No. 3:11-cv-04500-EMC; *Rivers v. MacMillan*, No. 3:11-cv-05080-JCS. Plaintiffs are advised that the *Petru* and *Diamond* actions are subject to an MDL petition with a hearing set for December 1, 2011. See MDL No. 2293.

1 For these reasons, Plaintiffs Miller and Hoke respectfully request that *Miller*
2 *v. Hachette Book Group, Inc., et al.* be deemed related to *Petru v. Apple, Inc., et. al.*

3 Dated: November 3, 2011

/s/ Dina E. Micheletti

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CERTIFICATE OF SERVICE

I, Dina E. Micheletti, hereby certify that, on the date listed below, I caused the document(s) listed below to be filed electronically with the United States District Court for the Northern District of California through the Court's ECF Service.

- **ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED**
- **DECLARATION OF DINA E. MICHELETTI IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED**
- **[PROPOSED] ORDER RELATING CASES**

I also certify that I caused the foregoing document(s) to be served via first class mail on the attached service list by transmitting the documents listed above to Renae D. Steiner of Heins Mills & Olson, P.L.C, who, I am informed and believed, caused them to be placed in a sealed envelope with postage fully prepaid for collection and mailing via the United States Mail on the date listed below in Minneapolis, Minnesota pursuant to that firm's ordinary business practice.

Executed on November 3, 2011, in San Ramon, California.

/s/ Dina E. Micheletti

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